

10-31-22

United States District Court of Montana Great Falls Division

RECEIVED

OCT 31 2022

Clerk, U.S. Courts
District of Montana
Missoula Division

Form 27. Motion for

Supplement Amended Complaint to be Attached

Instructions for this form: <http://www.uscourts.gov/form27>

9th Cir. Case Number(s)

N/A

Case Name

Flynn v Christian, Marks and Mohrreich et al

Lower Court or Agency Case Number

N/A

What is your name?

Kenneth J Flynn

1. What do you want the court to do?

(and)
allow plaintiff to cure the deficiency ~~in~~ correct case numbers
allow one additional defendant material to the claim
allow additional Supporting documents ~~twelve~~ ^{sixteen} including Motion to
~~Supplement~~ Defendant's information (Last one)

2. Why should the court do this? Be specific. Include all relevant facts and law that would persuade the court to grant your request. (Attach additional pages as necessary. Your motion may not be longer than 20 pages.)

Clerk's office failed to allow marked Amended Complaint to be replaced
By additional ~~hand~~ hand delivered version with correct case numbers and
Service page, a fifteen page attachment was ~~added~~ ^{added} to be added by
Clerk. The additional defendant is material to The failed
Guardianship Claims (previous manager).

Your mailing address:

Kenneth J Flynn

615 1st AVE PO Box 232

City

Goldfield

State

MT

Zip Code

59525

Prisoner Inmate or A Number (if applicable)

N/A

Signature

KJ Flynn

Date

10-31-22

Feedback or questions about this form? Email us at form27@uscourts.gov

KJF

Ignored

COF 22-582 10/17/22

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 27. Motion for Motion to Recuse & Disqualify Judge Jason Marks

06-21-126

Case Name Flynn Guardianship

Lower Court or Agency Case Number 32-16-582

What is your name? Kenneth J Flynn *Public*

1. What do you want the court to do? Recuse Judge Marks & Defense Council

Disqualify Judge Jason Marks from adjudicating Kenneth Flynn
in Case 06-21-126, also the defense Council has ignored
his clients best interests and also requires the Court to Recuse
Medical Morse Defense Council Communication Break down with Blax
as well as ignoring the Evaluation in the set aside Motion!

2. Why should the court do this? Be specific. Include all relevant facts and law
that would persuade the court to grant your request. (Attach additional pages as
necessary. Your motion may not be longer than 20 pages.) No Facts Dictation!

Judge Marks order to enforce the Judgment is procedurally wrong and
unjust. No probable Cause, No Notice, No Hearing before enforcing, Ordering
the Guardianship, No notice to Flynn's Mother, Sister, None of Flynn's
Current medical providers were notified of proposed guardianship. The
Medical imposters from St Pats, Empower Medical Reports were used
Defense couldn't find the report that Judge Marks used to enforce a
guardianship? Marks also ignored a set aside of order of Guardianship!
Marks ignored the Court ordered Style Guardianship Evaluation Flynn
provided to the Court, also Flynn's Defense also ignored the
evaluation that proved Flynn is competent. Improper Venue Flynn

Your mailing address: resides in Whitefish, also falls Flynn's report is not a

6309 Hwy 93 South #3 Whitefish MT 59937 resident of Missoula,
455 Morse Street Ave NW #224, Whitefish MT 59901

City Whitefish MT State MT Zip Code 59901

Signature K J Flynn Date 3-3-22

708

NAME: Kenneth J FlynnMAILING ADDRESS: 455 Massachusetts Ave NW 4379 Complaint
(Street or P. O. Box)Washington DC 20001
(City/State/Zip Code)PHONE NUMBER: 202-770-2951 Control016300 Hwy 43 S #3White Fish MT 59937MONTANA 4th (A Scheme to minimize Flynn's Income to eliminate any threat by him)
JUDICIAL DISTRICT COURT, Missoula COUNTYFallon S Flynn

Petitioner/Plaintiff,

and

Kenneth J Flynn

Respondent/Defendant.

Cause No.: DG-21-126AFFIDAVITI, Kenneth J Flynn, hereby state as follows:
(PRINT your name)

I am the victim of a Malicious Guardianship
Ordered by a Bias prejudiced Judge Jason Marks.
also the defence Attorney who Marks insisted I
have or needed because he insisted I was incompetent
w/out a competency Medical Evaluation, I did have
a court ordered evaluation proving competency, more
current and in the right form, the defense and the
Judge ignored the examination. More current than any
Medical Report used against procedure enforcing Marks Order?
I have not been shown any medical proof used to claim
I am incompetent, No Notice of the petitions, No Hearing that
allowed me to Contest this Guardianship w/ the Evaluation

40
 NO JURISDICTION TO adjudicate ~~it~~ ^{the} ~~case~~ ^{issue} ~~is~~ ^{is}
 Improper Venue, I live in Flathead County (Montana)
 The petitioner lives in Goldford MT (Hill County)
 MCA indicated the proper venue must be where I
 reside (Flathead County) not Missoula County. No Notice
 before petitions were presented to me in the first
 attempted hearing that should have allowed me to prove
 competency w/ the medical evaluation, Judge Marks and
 later the defense ignored the proper Medical Exam!
 No proof of Incapacity. No notice, improper Venue, No Hearing!
 The Judge is Obviously Biased and the defense Counsel
 I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE

STATE OF MONTANA THAT ALL STATEMENTS AND INFORMATION
 CONTAINED IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.

DATED this 3rd day of March, 2022.
 (day) (month) (year)

K J Flynn
 YOUR SIGNATURE

Kenneth J Flynn
 PRINT YOUR NAME

Honored

DEFENDERS / ATTORNEYS / WITNESSES:

Name: Kallan Flynn
Address: 400 West Broadway Suite 101-527
Missoula, MT 59802

Name: Andrey Flynn
Address: 30420 1st Hwy 2
Kremlo, MT 59532

Name: JACK Flynn
Address: 117 Rail Road Ave
Alberton, Montana 59800

Name: Janis Flynn
Address: 301 4th Ave
Hauser, MT 59501

Name: Dr Christopher Jens MD
Address: 601 West Spence Suite K
Missoula, MT 59802

Name: Thomas Gray MD
Address: State Psych Psychiatrist
Admission Mountain View Hospital
Warm Springs, MT 59756

Name: Ammon Bernau, LEW Clerk of X
Address: partner in Home Care HCS
2637 Polaris St Suite B
Missoula, MT 59802

Name: Michelle Conly District Court 4th Dist
Address: 200 West Broadway
Missoula, MT 59802

Name: Michael M...
Address: public defense office
610 3rd St, Missoula, MT
59802

Name: Herman D Zyle MD
Address: 205 6th Ave East
Kalispell, MT 59901

DATED (month) February (day) 24, 2022

Received → 3-3-2022
WJ

Kenneth J Flynn
(Signature)
Kenneth J Flynn
(Printed Name)

John F. A. Hocking, Counsel
General
215 N Sanders
Third Floor
Helena, MT 59620

WJ

Flynn's Knowledge of the Misrepresentation

FACTS AND ARGUMENT

Required extreme measures to Avert the Threat (written 2nd
 A decision or order regarding this guardianship case was made during a hearing held on (also)
 the 25 day of January, 20 22. Written notice of entry of the order or decision (used)
 was served on the 25 day of January, 20 22.

The order or decision should be set aside because (explain why the judge should reverse the order) fraud on the Court Rule 60 (2)(3) False Claims
by Health care professionals other than my established health
care current medical providers. Misrepresentation for any
St. Patrick's Providence or Christopher Jones is not a current
health care provider, nor is Dr. Thomas Gray (State Hospital)
Any information offered is not in the form of a reasonably
current medical Examination from Gray or Jones or anyone
Bernard or Jones. Kenneth Flynn has not lived in Missouri for
over six years. Misstatements by Fallon Flynn she is aware of
my home in White Fish, MT, and my current health care providers are
from Kalispell & White Fish. She does not live at 1010 West Pine
#304 MEA. She lives in Coldfoot mt or stays in Motels in MSN.
Flynn has been defamed by the false claims by Fallon and the false
claims of the St. Patrick's facility & State Hospital staff who
false claims stating treatment w/o a reasonably current medical Examination
is unacceptable, and Defamation and medical malpractice in violation
of my due process rights regarding the rights in the 5th Amendment
is at Risk of the Court to protect the Record at

WHEREFORE, Petitioner respectfully requests that this Court grant this motion and for

such other relief as the Court deems appropriate.

DATED February 21, 20 22

Kenneth J. Flynn
 (Signature)
Kenneth J. Flynn
 (Printed Name)

Motion to Set Aside (Guardianship)

XJF
OK

NEO
 Your Name: Kenneth J. Flynn
 Address: 6300 Hwy 93 S. #2
 City, State, Zip: Willis, Ark. 72787
 Phone: 202-910-2451
 Email: Shirley@kenflynn.com
 Self-Represented

Rule 15 Amended Complaint
 DISTRICT COURT

*I ignored
 never filed*

Adjudged
 In the Matter of the Guardianship of the:

- ☒ Person
☐ Estate
☐ Person and Estate

CASE NO.: DG-21-126
 DEPT: 4

of: Kenneth J. Flynn
 (name of person who has a guardian)
Adjudged A Protected Person:

NOTICE OF ENTRY OF ORDER

TO: The persons listed on the following page:

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled case on

(date Order was filed) _____, 20____. A true and accurate copy is attached.

DATED (month) _____ (day) _____, 20____.

 (Signature)

 (Printed Name)

Notice of Entry of Order

212

ORDG

Your Name: Kenneth J Flynn
 Address: 300 W 42nd St
 City, State, Zip: White Plains NY 10627
 Phone: 202-710-2857
 Email: Shelley.Steele@Gmail.com
 Self-Represented

Rule 15 Amended Complaint I Conceded not filed

To Control Flynn's income was to involve any threat was the Theme

DISTRICT COURT

In the Matter of the Guardianship of the:

- ☒ Person
☐ Estate
☐ Person and Estate

of:

(name of person who needs/has a guardian)
 A Protected Person.

CASE NO.: DG-21-126

DEPT: 4

DATE OF HEARING: _____

TIME OF HEARING: _____

ORDER GRANTING MOTION TO SET ASIDE ORDER OR JUDGMENT

It appearing to the satisfaction of the Court that a Notice of Hearing Regarding Motion to Set Aside Order or Judgment was issued setting the Motion to Set Aside Order or Judgment on the court calendar for hearing, and it appearing this matter having been heard by this Court on the date and time listed, and it appearing to the satisfaction of the Court that proper notice of hearing of this matter has been duly given in the manner required by law, and good cause appearing therefore:

IT IS HEREBY ORDERED that the Motion to Set Aside Order or Judgment is granted. The Order dated (date of order) _____, 20____ shall be set aside.

DATED this _____ day of _____, 20____.

DISTRICT COURT JUDGE

Submitted By: (your signature) K J Flynn

(print your name) Kenneth J Flynn

Order to Set Aside

ADMISSION THAT THIS MOTION IS VALID. IF YOU HAVE CHILDREN FROM THIS RELATIONSHIP, THE COURT IS REQUIRED TO ORDER PAYMENT OF CHILD SUPPORT. THE AMOUNT OF CHILD SUPPORT CAN BE LARGE. IT NORMALLY CONTINUES UNTIL THE CHILD IS 18. YOU SHOULD SUPPLY THE COURT WITH INFORMATION ABOUT YOUR FINANCES. OTHERWISE, THE CHILD SUPPORT ORDER WILL BE BASED ON THE INFORMATION SUPPLIED BY THE OTHER PARENT.

Rule 15 Amended Complaint
COMES NOW (☒ check one) ☐ Guardian / ☐ Co-Guardian / ☐ Other (your name and

relationship to the ~~protected~~ *Amended Self Kenneth Phelps* person) and files this

Motion to Set Aside Order or Judgment. This pleading is based upon the papers and pleadings on file and any evidence or argument heard at the time of the hearing on this matter.

POINTS AND AUTHORITIES

I.

LEGAL AUTHORITIES

*I Consider not
Ruled*

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party; (4) the judgment is void; or (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application. The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to set aside a judgment for fraud upon the court...

///

///

7092

**DECLARATION IN SUPPORT OF MOTION TO SET ASIDE
ORDER OR JUDGMENT**

Complaint
 Marks was used to maintain control over any threat caused by Flynn
 (Your name) Kenneth J. Flynn, under penalty of perjury;
 states as follows:

1. I am the (☒ check one) ☐ Guardian / ☐ Co-Guardian / ☐ Other (your name and relationship to the ^{Alleged} protected person) S-1(F) Kenneth J. Flynn in the above-entitled action. I have personal knowledge of the facts contained in my motion and in this affidavit and am competent to testify to these facts. The statements in this motion and affidavit are true and correct to the best of my knowledge.

2. Additional facts to support my request to set aside the order or decision are:
 (write "N/A" if no additional facts)

A. 13 page Filed Complaint to AGC Office Helena Montana and pending Review of 22-16-582 Filed on 12-14-21. Two Letters from Current Health Care providers for Kenneth Flynn, Post of Residence in Whitefish a illegal Eviction Notice as Winter is persons State of Montana given

I declare under penalty of perjury under the law of the State of Montana that the foregoing is true and correct.

DATED 21st February, 2022

K J Flynn
 (Signature)
Kenneth J. Flynn
 (Printed Name)

*I Cannot not
 Filed*

KJF

(47)

the Honorable Judge Jason Marks
 10/21/22 3-8-22
 To Mr. Michael Morris & I have my best interest legally after

after review of the nature misrepresented facts and
 alleged conflict with Robert Koppke, I would you must
 know to hear our response to set aside this action 1/27/22

I have researched the Mental Capacity act 2005 (MCA)
 Drastic measures were used to stop physical threat concerning Mental Rights
 The medical statements in the petition are not in

accordance with the law. The medical interventions are
 generally always unlawful in the absence of ^{my} consent.

Autonomy combined with the best interest of the
 defendant are foremost. The guiding principle is
 that an individual must be assumed to have capacity
 unless it is established by an authorized medical
 evaluation, only the existing court ordered evaluation
 that I agreed to participate in conducted by
 Sara Boilen is legally acceptable in a court of
 law. The 12-30-18 evaluation is the Legal/official
 indication of capacity for more current and included
 plaintiffs (participation) restriction and cooperation with the

48 I ^{was} ^{you} ^{Amended Complaint}
 due to the lack of ^{you} ~~Sufficient~~ understanding
 or capacity to make or communicate responsible
 decisions, concerning myself. This further states my
 Judgment is so impaired that I am incapable of
 reasoning & am in need of Treatment! My
 Communication Skills are intact, no Mental Retardation
 The Petition ^{mentioned in the evaluation by Borking} further claims I have no ability
 to manage my business, person Incorrect, I am
 Current ^(payments) as of When Felton took ~~and~~ ^{She} fired
 the Manager, the payment has not been made
 for February, only \$15,000 out of \$25,000 has
 been collected as of 2-15-22. The bank
 closed my Sherlock Storage Account ^{Illegally} that was
~~linked~~ ^{linked} to all electronic deposits,
 I was needed to Set up an alternate account
 through my DC Bank yesterday ^{Just Friday (Feb 17th)} ^{for Felton} RQ

Hon. John W Larson
 Fourth Judicial District Dept. 3
 200 W. Broadway
 Missoula, MT 59802
 Tel: 406-258-4773
 Fax: 406-258-4739

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

A Black 2003 Chevrolet Silverado bearing
 Montana License Plate: CCN054 belonging
 to Fallon Flynn DOB:08/06/1991

Case No.: SW-_____ - _____

SEARCH WARRANT

THE STATE OF MONTANA TO TYLER THORNOCK AND MISSOULA POLICE

DEPARTMENT:

An Application for Search Warrant having been made before me, under penalty of perjury,
 stating that the Missoula Police Department has reason to believe that one or more of the following
 crime(s) have been committed in Missoula County, Montana:

**Assault on Peace or Judicial Officer (§ 45-5-210, MCA); Criminal Distribution of
 Dangerous Drugs (§ 45-9-101, MCA); Criminal Possession of Dangerous Drugs (§ 45-9-
 102, MCA); Criminal Possession of Drug Paraphernalia (§ 45-10-103, MCA); Criminal
 Possession With Intent to Distribute (§ 45-9-103, MCA); Obstructing Peace officer or
 Other Public Servant (§ 45-7-302, MCA); Tampering With or Fabricating Physical
 Evidence (§ 45-7-207, MCA);**

AND further providing that the evidence, contraband, or persons connected with the
 aforementioned crime(s) include:

A handgun of unknown make, model, and caliber.

**Dangerous drugs as defined by § 50-32-101, MCA, including but not limited to heroin,
 methamphetamine, cocaine, phencyclidine (PCP), 3,4-methylenedioxymethamphetamine
 (MDMA), lysergic acid diethylamide (LSD), and scheduled prescription drugs Drug
 Paraphernalia As Defined by & 45 10 101 MCA Including but Not Limited to Syringes
 Spoons Torches Foil Pipes Scales Vaporizers and Packaging Materials Firearms and
 Other Weapons Used to Protect Dangerous Drugs And/or Drug Distribution Activities
 Property Subject to Civil or Criminal Forfeiture Including Foreign and Domestic
 Currency Precious Metals Jewelry Stolen Property Cellular and Other Communication
 Devices Vehicles Guns and Other Weapons**

**Dangerous drugs, including but not limited to: heroin, methamphetamine, cocaine,
 marijuana, and other scheduled prescription drugs, which can appear in a number of
 different forms including but not limited to: pills, capsules, powder, and crystal**

1 **Paraphernalia for packaging, processing, weighing, and distributing controlled**
2 **substances, including but not limited to: scales, sifters, grinders, and heat-sealing devices**

3 **Paraphernalia for ingesting, smoking, injecting, inhaling, or otherwise introducing**
4 **dangerous drugs into the human body, including but not limited to: syringes, spoons,**
5 **torches, foil, cotton, pipes, and vaporizers**

6 **Cash, currency, and records relating to income and expenditures of money and wealth in**
7 **relation to distribution of dangerous drugs, including but not limited to: money orders,**
8 **wire transfers, cashier's checks and receipts, bank statements, passbooks, checkbooks,**
9 **and check registers**

10 **Personal books and papers reflecting names, addresses, telephone numbers, and other**
11 **contact or identification data relating to the distribution of dangerous drugs, including**
12 **but not limited to: books, records, receipts, notes, ledgers, and other papers relating to the**
13 **distribution of dangerous drugs**

14 **Any cell phones, lap tops, or other electronic devices which are capable of accessing the**
15 **internet for purposes of communication regarding illegal drug purchases or sales or**
16 **otherwise storing ledgers, transaction histories, and GPS locations**

17 **Knives, Firearms, and other dangerous weapons capable of use to protect dangerous**
18 **drugs and/or drug distribution activity**

19 **Cabinets, safes or other containers commonly used for securely storing dangerous drugs,**
20 **weapons or paraphernalia**

21 **The contents of any cabinet, safe or other lockable container capable of storing dangerous**
22 **drugs, drug paraphernalia, guns, holsters, magazines, and ammunition, whether or not**
23 **said cabinet, safe or container is locked and must be opened by law enforcement**

24 **Bags, backpacks, purses, duffels, briefcases, luggage, or any other container commonly**
25 **used to store personal belongings and/or dangerous drugs that may contain identifying**
26 **information**

27 **Surveillance equipment and cameras**

28 **Property subject to civil or criminal forfeiture including foreign and domestic currency,**
29 **precious metals, jewelry, stolen property, cellular and other communication devices,**
30 **vehicles, guns, and other weapons**

31 **Dangerous drugs, including but not limited to: heroin, methamphetamine, cocaine,**
32 **marijuana, and other scheduled prescription drugs, which can appear in a number of**
33 **different forms including but not limited to: pills, capsules, powder, and crystals.**

34 **Packaging materials commonly used for drug possession.**

35 **Paraphernalia for ingesting, smoking, injecting, inhaling, or otherwise introducing**
36 **dangerous drugs into the human body, including but not limited to: syringes, spoons,**
37 **torches, foil, cotton, pipes, and vaporizers.**

38 **AND further providing that evidence, contraband, or persons connected with the**
39 **forementioned crimes may be found:**

40 **Within any and all containers, compartments, items, locations and areas in which the**
41 **items sought could reasonably be found attached to and within a Black 2003 Chevrolet**

1 **Silverado bearing Montana License Plate: CCN054 belonging to Fallon Flynn**
2 **DOB:08/06/1991.**

3 IT IS HEREBY FOUND that sufficient probable cause exists to believe that the
4 aforementioned crime(s) have been committed in Missoula County, Montana, and that the
5 identified evidence, contraband, or persons connected with the crime(s) may be found at the
6 location specified herein.

7 THEREFORE you are hereby commanded to serve this Search Warrant and to search the above
8 described location for the property specified; and if the property is found there, to seize it, give a
9 receipt for it, prepare a written inventory verified by you of the property seized, and bring the
10 property before me, all in the manner required by law.

11 IT IS FURTHER ORDERED that all necessary and reasonable force may be used to serve this
12 Search Warrant or to effect an entry into any building, property, or object to serve this Search
13 Warrant, but any restraint or detention of the person served must be in the least restrictive manner
14 that is consistent with the safety of the person serving the warrant and anyone assisting that
15 person.

16 IT IS FURTHER ORDERED that the Missoula Police Department, may reasonably detain and
17 search any person on the premises being searched at the time of the search, but must do so in the
18 least restrictive manner that is consistent with the safety of the person serving the warrant and
19 anyone assisting that person. The search of persons on the premises is: (1) for protection of the
20 person serving the warrant and anyone assisting that person; or (2) to prevent the disposal or
21 concealment of any evidence, contraband, or persons particularly described in the warrant.

22
23 DATED this 05 day of October, 2022

24
25 Digitally signed by HON. JOHN W LARSON
Date: 2022.10.05 08:29:16 MDT
Reason: Search Warrant Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula , MT

26 Hon. John W Larson